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12 MOBILE HOME PARK LP (erroneously  
13 sued as "CAPRI APARTMENTS AT  
14 ISLA VISTA")

15 **UNITED STATES DISTRICT COURT**  
16 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

17 JUNAN CHEN, KELLY YAO WANG,  
18 CHANGSHUANG WANG,  
19 JINSHUANG LIU, LICHU CHEN, and  
20 WENQUEI HONG,

21 Plaintiffs,

22 v.

23 COUNTY OF SANTA BARBARA;  
24 SANTA BARBARA COUNTY  
25 SHERIFF'S DEPARTMENT; CAPRI  
26 APARTMENTS AT ISLA VISTA;  
27 ASSET CAMPUS HOUSING, and  
28 DOES 1 through 200, Inclusive,

Defendants.

Case No. 2:15-CV-01509- JFW (JEMx)

**DECLARATION ON BEHALF OF  
DEFENDANT CAPRI RE:  
RESOLVED AND UNRESOLVED  
ISSUES FOLLOWING IN-PERSON  
CONFERENCE ON MOTION TO  
STRIKE**

Trial Date: April 26, 2016

I, Eugene J. Egan, hereby declare as follows:

1. I am an attorney at law duly admitted to practice before all of the courts of the State of California and a member of the bar of this Court. I am a partner in the law firm of Manning & Kass, Ellrod, Ramirez, Trester LLP, attorneys of record for Defendant Hi Desert Mobile Park LP, erroneously sued and served as Capri Apartments at Isla Vista ("Capri"). This Declaration is being filed in conformity with the requirements of the May 28, 2015, Order of this honorable Court

1 [Document 41]. The facts set forth in this Declaration are based upon my own  
2 personal knowledge, and if called upon, I could and would competently testify  
3 thereto.

4 2. I am the lead counsel for Defendant Capri. On last Thursday, June 4,  
5 2015, I met in person with Plaintiffs' counsel Patrick McNicholas, David Angeloff,  
6 and Abel Nair at their office to discuss the merits of the Fed.R.Civ.P. 12(b)(6)  
7 Motion to Dismiss that is expected to be filed by Defendant Capri. Counsel spent  
8 70 minutes discussing pending issues in the case, including almost 45 minutes  
9 discussing the issues of said Motion, raised by the points and authorities cited in  
10 Defendant's three-page meet and confer letter dated May 22, 2015, and set forth at  
11 further length in the Motion to Dismiss previously filed but stricken by this Court's  
12 May 28, 2015 Order.

13 3. Specifically, we discussed Defendant's argument that Plaintiffs'  
14 allegations of constructive notice do not create a duty to prevent the third party  
15 criminal act because actual notice must be pled. We also discussed that the  
16 allegations of actual notice of certain behaviors of the assailant roommate were not  
17 adequate to put the Defendants on notice of the potential for the criminal acts which  
18 occurred so as to create a duty to prevent them. Finally, we discussed Plaintiffs'  
19 new allegation, documented in a letter they possess, concerning former roommate  
20 Spencer Horowitz's expressed concerns about the assailant's emotional stability, as  
21 those allegations also were not adequate to create a duty to prevent future harm.  
22 Plaintiffs are not prepared to share the content of this letter they possess, the details  
23 of which are not included in the First Amended Complaint.

24 4. As to issues resolved at the conference, the parties agreed that the key  
25 issue in this case initially is whether Capri owed Plaintiffs a duty to protect against  
26 the criminal acts alleged. The parties further agreed that they cannot come to a  
27 resolution on the issue of whether the First Amended Complaint has succeeded in  
28 showing that such a duty existed.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Eugene J. Egan  
Eugene J. Egan